

REMARKS

Claims 1-13 are all the claims pending in the application.

Claim rejections under 35 U.S.C. § 102(a)

Claims 1-13 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Johansson (WO01/28168A). Applicants traverse the rejection for at least the following reasons.

Claim 1

Claim 1 recites, *inter alia*, “sending a link set-up request to said mobile station by means of the radio access network and, on reception by said radio access network of a response to said request sent by the mobile station, setting up a downlink access to send the data to said mobile station.”

The Examiner asserts that Johansson allegedly discloses the unique features of claim 1 in the abstract, page 1, line 28-page 3, line 25 and page 5, line 29-page 6, line 26. Applicants respectfully disagree.

Johansson is directed to a method of transfer of packet data from a network server to a mobile communication station over a digital radio communication network. Johansson discloses that a network server that wants to transfer packet data to a mobile communication station requests (sends a message) the mobile station to set up a packet data protocol connection with the server. In reply to the received request (message) the station identifies itself to the packet radio network, activates a packet data service in the message (i.e. short message) provided by the packet network and establishes a PDP connection.

As set for in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Johansson does not disclose sending a link set-up request to the mobile station by means of the radio access network and, on reception by said radio access network of a response to the request sent by the mobile station, setting up a downlink access to send the data to the mobile station. In particular, claim 1 recites the following unique features:

- i) the radio access network sends a link set-up request, and
- ii) the radio access network setting up a down-link access, when the radio access network receives a response to the request sent to the mobile station.

However, in the initiation process of data transfer disclosed in Johansson,

- i) a message provided by the digital radio communication network is sent to the mobile station,
- ii) the mobile station extracts the first packet data network address from the message using an application executed on the mobile station, and
- iii) the mobile station establishes a PDP session with the said network server using the first packet data network address.

Specifically, Johansson discloses that the network server sends messages to the mobile station using a message service and the mobile station extracts the network data address and establishes a PDP connection with the network server. Johansson does not disclose that the network server (the alleged radio packet network) sends a link set-up request to said mobile station and, when the network server (the alleged radio packet network) receives a response from

the mobile station, setting up a downlink access to send the data to said mobile station. That is, Johansson does not disclose sending a link set-up request by radio packet network; radio packet network receiving a response from the mobile station for the request; and the radio packet network setting up a down-link access.

Accordingly, Applicant submits that claim 1 is not anticipated by Johansson since Johansson does not disclose each and every feature as recited in claim 1. Thus, Applicant respectfully requests the Examiner to withdraw the rejection of claim 1.

Response to the arguments

In response to the Applicants arguments filed on June 6, 2007, the Examiner contends that Johansson teaches that the radio access network infrastructure handling of packet data transmission to and from mobile station. Applicants respectfully submit the mere fact that Johansson allegedly discloses a radio access network infrastructure handling of packet data transmissions to and from a mobile station does not teach or suggest each and every feature recited in claim 1. As noted above with respect to claim 1, the method disclosed in the portion cited by the Examiner in Johansson does not disclose “sending a link set-up request to said mobile station by means of the radio access network and, on reception by said radio access network of a response to said request sent by the mobile station, setting up a downlink access to send the data to said mobile station.”

Claim 6

Claim 6, recites subject matter analogous to claim 1, and therefore is allowable at least for the similar reasons claim 1 is shown to be allowable.

Claims 2-5 and 7-13

Applicant submits that claims 2-5 and 7-13 depend from one of the independent claims that have been shown to be allowable, and therefore are allowable at least by virtue of their dependency.

With regard to claim 2, Applicant submits that Johansson does not disclose that “said link set-up request requires said mobile station to send said radio access network an uplink access request and, on receipt of said request, network resources for setting up said uplink access are assigned so that said mobile station can send said response to the link set-up request over that uplink access.”

Specifically, in page 5, line 29 - page 6, line 26, Johansson discloses that the network server requests the mobile station to set up a PDP connection via a digital radio communication network by sending a message to the mobile station. In reply to the received message, the mobile station identifies itself to the packet radio network, activates a packet data service provided in the message and establishes the PDP connection. However, there is no disclosure of the link set-up request requiring the mobile station to send an uplink access request, and on receipt of the request, network resources for setting up the uplink access are assigned so the mobile station can send the response to the link set-up request over that uplink access.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Lipp
Registration No. 41,157

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: February 22, 2008